2013 IL App (4th) 120933-U

NO. 4-12-0933

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
September 20, 2013
Carla Bender
4th District Appellate
Court, IL

R.L. BRINK CORPORATION, Plaintiff-Appellee, v. BILL GRUNLOH, Individually and in His Capacity as Chief Procurement Officer of the Illinois Department of Transportation; and ANN L. SCHNEIDER, Not Individually But as Secretary of the Illinois Department of Transportation, Defendants-Appellants.	Appeal from Circuit Court of Adams County No. 12CH115 Honorable Thomas J. Ortbal, Judge Presiding.

PRESIDING JUSTICE STEIGMANN delivered the judgment of the court.
Justices Pope and Turner concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court dismissed the appeal, concluding that the question of whether the trial court erred by granting a preliminary injunction was moot.

¶ 2 In August 2012, defendant, Bill Grunloh, the Chief Procurement Officer for codefendant, the Illinois Department of Transportation (IDOT), declined to approve a contract that the City of Quincy (City), Illinois, granted to plaintiff R.L. Brink Corporation (Brink) because Grunloh found probable cause to believe that Brink had not complied with IDOT mandates. In September 2012, Brink filed a motion for preliminary injunction, seeking an order directing IDOT to approve the contract with the City. In October 2012, the trial court granted Brink's motion for preliminary injunction but only to the extent that it enjoined IDOT from enforcing its suspension against Brink pending an administrative hearing.

¶ 3 Defendants appealed, arguing that the trial court erred by granting Brink's motion for preliminary injunction. In December 2012, while defendants' appeal was pending, Grunloh issued IDOT's final administrative decision, denying Brink's administrative challenge to defendants' decision to decline to approve Brink's contract with the City. Because a final administrative decision has been made, we conclude that defendants' appeal is moot.

¶ 4 I. BACKGROUND

¶ 5 In August 2012, Grunloh, acting in his capacity as the Chief Procurement Officer for IDOT, declined to approve a contract that the City had granted to Brink because Grunloh found probable cause to believe that Brink had not complied with IDOT mandates—namely, Grunloh had probable cause to believe that Brink employed laborers but had not disclosed that fact previously. (IDOT rules require contractors who employ laborers to participate in the United States Department of Labor's laborers' apprenticeship program.) In September 2012, Brink filed a motion for preliminary injunction, seeking an order directing IDOT to approve the contract with the City. In October 2012, the trial court granted Brink's motion for preliminary injunction but only to the extent that it enjoined IDOT from enforcing its suspension against Brink pending an administrative hearing.

¶ 6 Defendants appealed, arguing that the trial court erred by granting Brink's motion for preliminary injunction. In December 2012, while that appeal was pending, Grunloh issued IDOT's final administrative decision, denying Brink's administrative challenge to IDOT's decision to decline to approve Brink's contract with the City.

¶ 7 II. DEFENDANTS' APPEAL IS MOOT

¶ 8 Defendants argue that the trial court erred by granting Brink's motion for

preliminary injunction. Defendants concede that their argument is moot, given that a final administrative decision has been rendered. Nevertheless, defendants contend that this court should consider the merits of their appeal because the issue implicates the public interest. For the reasons that follow, we disagree and dismiss defendants' appeal as moot.

¶ 9 "An appeal is considered moot where it presents no actual controversy or where the issues involved in the trial court no longer exist because intervening events have rendered it impossible for the reviewing court to grant effectual relief to the complaining party." *In re J.T.*, 221 Ill. 2d 338, 349-50, 851 N.E.2d 1, 7-8 (2006). The supreme court has long held that a reviewing court will not review cases "merely to establish a precedent or guide future litigation." *Madison Park Bank v. Zagel*, 91 Ill. 2d 231, 235, 437 N.E.2d 638, 640 (1982). Even if the case is pending on appeal when the events that render an issue moot occur, reviewing courts will generally not issue an advisory opinion. *Bluthardt v. Breslin*, 74 Ill. 2d 246, 250, 384 N.E.2d 1309, 1311 (1979).

¶ 10 Nevertheless, defendants claim that we should review their appeal under the public-interest exception to the mootness doctrine. The public-interest exception permits review of otherwise moot cases when (1) the question is of a public nature; (2) there is a need for an authoritative determination for the future guidance of public officials; and (3) the question is likely to recur in the future. *In re Alfred H.H.*, 233 Ill. 2d 345, 355, 910 N.E.2d 74, 80 (2009). The public-interest exception must be narrowly construed and requires a clear showing of each criterion. *Id.* at 355-56, 910 N.E.2d at 80.

¶ 11 Contrary to defendants' position, our review of the record in this case reveals that it does not involve a set of factual circumstances that demonstrates a need for an authoritative

determination for the future guidance of public officials. This case involves a factually unique situation that was later adjudicated through the appropriate administrative proceeding. If public officials require guidance on the issues this case presents, that guidance could arise from an appeal from a final administrative adjudication. Issuing an advisory opinion is unnecessary under these circumstances.

¶ 12 III. CONCLUSION

¶ 13 For the reasons stated, we dismiss defendants' appeal.

¶ 14 Dismissed.